

REMARKS**Claim Status**

Claims 1, 4-6, 9-11, 13-15, and 34-51 are pending in the application. This paper amends claims 34 and 35.

Allowed Claims

Applicant gratefully acknowledges notification of allowance of claims 1, 4-6, 9-11, 13-15, and 38-51.

Art Rejections

Claim 34 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Raissinia *et al.*, U.S. Patent Number 6,430,193 (“Raissinia” hereinafter) in view of Menon *et al.*, U.S. Patent Publication Number 2003/0008632 (“Menon” hereinafter). Claim 35 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Raissinia in view of Yamamoto, U.S. Patent Number 6,252,914 (“Yamamoto” hereinafter). Claims 36 and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Raissinia in view of Yamamoto and further in view of Menon. Applicant respectfully requests reconsideration based on the above amendments and the arguments below.

In accordance with each of the independent claims 34 and 35, as amended, the plurality of adjusted first values comprises a value of at least one of the first parameters and a value of the second parameter. In other words, at least one parameter associated with the first layer and a

parameter associated with second layer are adjusted. It appears that Raissinia does not disclose adjusting parameters of two different layers. Indeed, Raissinia emphasizes maintaining transparency of adjustments to higher layers. In the abstract Raissinia states that “[s]ystems and methods are provided for transferring physical layer control information from a central access point to individual subscriber units while maintaining transparency to higher layers.” Raissinia makes similar assertions throughout the document. Consider, for example, the following statements:

- “In accordance with one embodiment on the present invention, systems and methods are provided for transferring physical layer control information from a central access point to individual subscriber units while maintaining transparency to higher layers. Adaptation of wireline MAC protocols to wireless applications is greatly facilitated. Subscriber unit power level may be controlled from the central access point via physical layer communications.” Raissinia, col. 3, lines 8-15 (emphasis added).
- “According to the present invention, one or more aspects of operating wireless communication network 100 are managed by the physical layer and are transparent to the MAC layer. . . . The transfer of this control information within the physical layer is then preferably transparent to the MAC layer and other higher layers.” Raissinia, col. 4, lines 55-63 (emphasis added).
- “It can be seen that physical layer control information may be transmitted downstream from central access point 102 to subscriber units 104 in a way that is transparent to higher layers. In effect a logical control channel has been created between from [sic] the central

access point physical layer entity to the subscriber units' physical layer entities." Raissinia, col. 9, lines 58-63 (emphasis added).

Therefore, it appears that Raissinia not only fails to teach adjusting parameters of multiple layers, but in fact teaches against this idea and emphasizes "transparency" to layers above the physical layer as an advantage of the patented systems and methods.

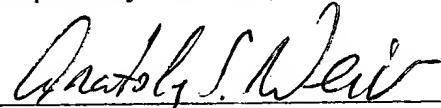
At least for this reason, Applicant believes that independent claims 34 and 35 are patentable over Raissinia in combination with Menon or Yamamoto. Dependent claims 36 and 37 should be patentable together with their base claim 35.

CONCLUSION

For the foregoing reasons, Applicant respectfully submits that all pending claims are patentable over the cited references. To discuss any matter pertaining to the instant application, the Examiner is invited to call the undersigned attorney at (858) 720-9431.

Having made an effort to bring the application in condition for allowance, a timely notice to this effect is earnestly solicited.

Respectfully submitted,



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Dated: April 14, 2005

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